PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Toshikazu NAKAMURA

Appln. No.: 09/674,377

Confirmation No. Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filed: October 30, 2000

Examiner: Not Yet Assigned

For: NEOVASCULARIZATION INHIBITORS

RESPONSE TO THE NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This response is in regard to the Notification to Comply, and attached Notification of a Defective Response and Raw Sequence Listing Error Summary, issued in the above referenced patent application. As the Notification of a Defective Response was mailed July 31, 2001, and set a one month period for response, this response is timely filed as it is being filed on or before August 31, 2001.

On the Notification to Comply, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 for the reasons listed on the marked-up Raw Sequence Listing. The Raw Sequence Listing and the Error Summary sheet both indicate that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 because while use of <220>-<223> is mandatory if Xaa's are present, the noted fields were not used in the instant Sequence Listing.

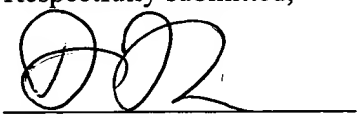
The Examiner further states that Applicants must provide a substitute computer readable form (CRF) copy of the Sequence Listing, and a Statement that the content of the paper and computer readable copies are the same and that they include no new matter.

In response, Applicants include herewith a paper copy and a CRF copy of the revised Sequencing Listing, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, and a copy of the Notification to Comply with attachments.

Applicants assert that the response to the Notification to Comply and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825. The Sequence Listing has been revised to replace the Xaa amino acids in SEQ ID NOs: 1 and 2 with Glu. As the Xaa amino acid was defined in the original Sequence Listing and the specification as pyroglutamate, and this description has not changed in the <223> field of both sequences, this change does not introduce new matter.

Accordingly, Applicants respectfully request that the Examiner acknowledge that the Sequence Listing in the present application meets the requirements of 37 C.F.R. §§1.821-1.825.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: August 14, 2001

PCT #6/A

AUG 14 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674377		NAKAMURA T	Q 61434

INTERNATIONAL APPLICATION NO.
PCT/JP99/01834

I.A. FILING DATE	PRIORITY DATE
06 APR 99	28 APR 98

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037 3202

DATE MAILED: 31 JUL 2001

NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed_____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).

2. ☐ Applicant's response filed_____was received in the Office after the expiration of the period for response set in the Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).

3. ☐ Applicant's response filed_____is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed_____have not been completed.

- ☐ Translation of the international application into English.
  - ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)).
- ☐ Oath or Declaration of inventors(s).
  - ☐ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)).
- ☒ Sequence Listing.
  - ☒ not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- ☐ Additional claim fees.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☒ PCT/DO/EO/920

Vonda M. Wallace

Telephone: 703-305-3736

FORM PCT/DO/EO/916 (March 2001)

#6

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
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09/674377		NAKAMURA T	Q 61434

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I.A. FILING DATE	PRIORITY DATE
06 APR 99	28 APR 98

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2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037 3202

DOCKETED
AUG 0 1 2001

DATE MAILED: 31 JUL 2001

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- [x] The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- [ ] This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- [ ] A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- [x] A copy of the "Sequence I * in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- [ ] The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- [ ] The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- [ ] Other: _____

APPLICANT MUST PROVIDE:

- [x] An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- [ ] An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- [x] A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CALL:

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

VONDA WALLACE VW
Telephone: 703 305 -3736

FORM PCT/DO/EO/920 (March 2001)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Toshikazu NAKAMURA

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Filed: October 30, 2000 | Examiner: Not Yet Assigned

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STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

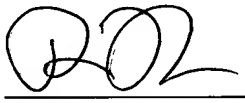
1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include any new matter;

2. the content of the attached 6-page paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and

3. all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

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